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SUBJECT: AMBASSADOR RICE MEETING WITH ICC PRESIDENT SONG

[1](#)1. (SBU) (Begin summary) U.S. Ambassador to the United Nations Susan Rice met with the President of the International Criminal Court (ICC), Sang-Hyun Song on Thursday, October 29. Song hoped that the United States would participate in the ICC Review Process in Kampala in May of 2010, and raised concerns that some Asian and Pacific non-parties fear U.S. retaliation were they to become party to the Rome Statute. (End summary.)

[1](#)2. (SBU) President Song said that the Review Conference will, among other things, take stock of where the ICC is and where it is going. He hoped that the United States would actively participate in the Review Conference. Ambassador Rice explained that the United States is currently reviewing its ICC policies, and she said that she understood that this internal review process would come to closure soon.

[1](#)3. (SBU) President Song said that several Asian and Pacific heads of Government had raised fears of U.S. retaliation if their countries were to become party to the Rome Statute. He said that they raised concerns that the United States would cut aid if their countries did not sign a bilateral "Article 98" agreement. President Song said that he would be grateful if the US Government were to allay these unfounded fears. Ambassador Rice said that she thought that the Bush Administration had abandoned those policies, queried whether these countries were using these fears as an excuse, but said that she would inform the State Department about these concerns.

[1](#)4. (SBU) Ambassador Rice asked President Song how the Court is dealing with some African countries' assertions that the ICC is unfairly targeting African countries. Song said that he tells Africans that the ICC is a judicial institution, not a political institution, that three of the four situations were referred to the ICC by African countries, and that the fourth was referred to the Court by the Security Council. He also notes that twenty five per cent of ICC parties are African.

[1](#)5. (SBU) Ambassador Rice also said that how the ICC handles issues concerning the Goldstone Report will be perceived by many in the US as a test for the ICC, as this is a very sensitive matter. President Song took pains to emphasize that, due to his role as an Appeals Judge, he could not express an opinion regarding the allegations contained in the Goldstone report and how it will be handled by the ICC. He also noted, that, first of all, this is a matter for the Prosecutor, and, secondly, there are various procedural safeguards in place at the ICC.

Rice